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DEC - 1 2004

In re Application of:
Jean-Philippe DuBois
Serial No.: 09/805,571
Filed: March 14, 2001
Attorney Docket No.: MPM/PH/12980-USA

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

This is a decision on the petition, filed June 22, 2004, to withdraw the holding of abandonment in the above-identified application under 37 C.F.R. § 1.181 and re-mail the Notice of Allowance and Fee(s) Due. No petition fee is required.

The petition is **GRANTED**.

A Notice of Allowance and Fee(s) Due (herein after "Notice") was mailed on February 13, 2004 setting a three month statutory period for paying the required fees. The period for paying the fees has expired and A Notice of Abandonment has not been mailed.

Petitioner asserts that the Notice mailed on February 13, 2004, was not received. To support this assertion, petitioner provided a statement verifying that the Notice was not received. The petition is accompanied by a copy of the docket record where the non-received Notice would have been entered had it been received by petitioner.

A review of the file record indicates the Notice mailed February 13, 2004 is not of record. The petition, including the copy of the docket records, is sufficient to establish a showing of non-receipt of the Notice mailed November 28, 2001, especially when the Office record does not contain such Notice.

For the above stated reason, the petition is granted. Inconvenience to the applicant is regretted.

A new Notice of Allowability and a new Notice of Allowance and Fee(s) Due will be issued. The new statutory period for paying the required fee(s) will be set to run from the date the Notices are mailed. Extensions of time period are not available under 37 C.F.R. § 1.136(a).

Best Available Copy

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Inquiries regarding this decision should be directed to Hien H. Phan at (571) 272-1606.



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